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SEP 28 2001

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/930,662
		Filing Date	August 15, 2001
		First Named Inventor	Scot D. Gordon
		Group Art Unit	N/A
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission		Attorney Docket Number	47586/P055US/10025093

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition Under 37 CFR 1.53(e)	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Supplemental Declaration Copy of Orig. Return Postcard Notice to File Incompl. App Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	FULBRIGHT & JAWORSKI L.L.P. R. Ross Viguet
Signature	
Date	September 28, 2001

### Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL315117746US, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: September 28, 2001

Signature: (R. Ross Viguet)

SEP 28 2001

PTO/SB/17 (11-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PATENTS & TRADEMARKS

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

Complete if Known	
Application Number	09/930,662
Filing Date	August 15, 2001
First Named Inventor	Scot D. Gordon
Examiner Name	Not Yet Assigned
Group Art Unit	N/A
Attorney Docket No.	47586/P055US/10025093

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 06-2380

Deposit Account Name

 Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  Applicant claims small entity status See 37 CFR 1.272.  Payment Enclosed Check  Credit Card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

## Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1) (\$)		0 00			

## 2. EXTRA CLAIM FEES

Total Claims	-** =	X	=	Fee Paid
Independent Claims	-** =	X	=	
Multiple Dependent		X	=	

## Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		0.00		

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
105	130	205	65 Surcharge – late filing fee or oath
127	50	227	25 Surcharge – late provisional filing fee or cover sheet.
139	130	139	130 Non-English specification
147	2,520	147	2,520 For filing a request for ex parte reexamination
112	920*	112	920* Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action
115	110	215	55 Extension for reply within first month
116	390	216	195 Extension for reply within second month
117	890	217	445 Extension for reply within third month
118	1,390	218	695 Extension for reply within fourth month
128	1,890	228	945 Extension for reply within fifth month
119	310	219	155 Notice of Appeal
120	310	220	155 Filing a brief in support of an appeal
121	270	221	135 Request for oral hearing
138	1,510	138	1,510 Petition to institute a public use proceeding
140	110	240	55 Petition to revive – unavoidable
141	1,240	241	620 Petition to revive – unintentional
142	1,240	242	620 Utility issue fee (or reissue)
143	440	243	220 Design issue fee
144	600	244	300 Plant issue fee
122	130	122	130 Petitions to the Commissioner
123	50	123	50 Processing fee under 37 CFR 1.17(q)
126	180	126	180 Submission of Information Disclosure Stmt
581	40	581	40 Recording each patent assignment per property (times number of properties)
146	710	246	355 Filing a submission after final rejection (37 CFR 1.129(a))
149	710	249	355 For each additional invention to be examined (37 CFR 1.129(b))
179	710	279	355 Request for Continued Examination (RCE)
169	900	169	900 Request for expedited examination of a design application
Other fee (specify)		Petition Under 37 CFR 1.17(h)	130.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

## SUBMITTED BY

Complete (if applicable)

Name (print/type)	R. Ross Viguet	Registration No. (Attorney/Agent)	42,203	Telephone	(214) 855-8185
Signature	<i>R. Ross Viguet</i>			Date	September 28, 2001

## Fee Transmittal

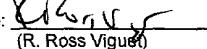
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL315117746US, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: September 28, 2001

Signature: *R. Ross Viguet* (R. Ross Viguet)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL177746US, in an envelope addressed to: Attention: Office of Petitions, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: September 28, 2001

Signature:   
(R. Ross Viger)

Docket No.: 47586/P055US/10025093  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Scot D. Gordon, et al.

Application No.: 09/930,662

Group Art Unit: N/A

Filed: August 15, 2001

Examiner: Not Yet Assigned

For: **METHODS TO DYNAMICALLY ADJUST  
THE SECTORIZATION OF A CDMA CELL**

**RESPONSE TO NOTICE TO FILE INCOMPLETE  
NONPROVISIONAL APPLICATION**

Attention: Office of Petitions  
Commissioner for Patents  
Washington, DC 20231

Dear Sir:

In response to the Notice of Incomplete Nonprovisional Application mailed September 24, 2001, please include the attached drawing (including Figures 1-7 on three drawing pages) in the file for the above referenced United States nonprovisional patent application.

The Notice of Incomplete Nonprovisional Application sets forth that the Office file wrapper does not include drawing papers with respect to the above identified patent application. Accordingly, Applicants have attached hereto three drawing papers upon which Figures 1-7 relevant to the present invention are shown. Further, in accordance with the Notice of Incomplete Nonprovisional Application, Applicants submit a true and correct copy of a Supplemental Declaration signed by all inventors identifying the drawing papers and indicating that they accurately illustrates Applicants' invention. Accordingly, Applicants respectfully submit that, at least as of the date of the filing of this paper, Applicants have completed the nonprovisional application filing requirements and are entitled to a filing date.

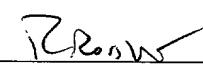
Further, Applicants assert that the complete filing requirements were met upon the original filing of the above identified nonprovisional application on August 15, 2001.

Accordingly, Applicants have submitted herewith a petition under 37 C.F.R. 1.53(e), with the petition fee set forth in 37 C.F.R. 1.17(h), asserting both that the drawings at issue were submitted and that the drawings are not necessary under 35 U.S.C. § 113, first sentence, for a filing date. The petition is accompanied by a date-stamped postcard receipt establishing prior receipt in the Office of the three drawing sheets at issue.

Accordingly, Applicants respectfully request that a filing date be granted with respect to the present application. Moreover, Applicants request that the filing date granted be that of the original submission date, August 15, 2001.

Dated: September 28, 2001

Respectfully submitted,

By   
R. Ross Viguet  
Registration No.: 42,203  
FULBRIGHT & JAWORSKI L.L.P.  
2200 Ross Avenue  
Suite 2800  
Dallas, Texas 75201  
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(214) 855-8200 (Fax)  
Attorneys for Applicant



SEP 2 8 2001

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/930,662	08/15/2001	Scot D. Gordon	47586/P055US/10025093

## CONFIRMATION NO. 3259

## FORMALITIES LETTER



\*OC00000006780653\*

FULBRIGHT & JAWORSKI L.L.P.  
 R. Ross Viguet  
 Suite 2800  
 2200 Ross Avenue  
 Dallas, TX 75201

Date Mailed: 09/24/2001

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

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*A copy of this notice MUST be returned with the reply.*

*Reah T. Busina*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE